

LEGAL SERVICES

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MEMORANDUM

March 15, 2017

SUBJECT: Sectional summary (Work Order No. 30-LS0451\R)

TO: Representative Les Gara
Attn: Laura Chartier

FROM: Kate S. Glover *KG*
Legislative Counsel

You have requested a sectional summary of the above-described bill.

As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents.

Section 1 provides that the short title of the bill is the Children Deserve a Loving Home Act.

Section 2 provides that an adoption subsidy for a hard-to-place child may be paid until the child turns 21; under current law, the subsidies are available until the child turns 18.

Section 3 amends legislative findings related to children to add a finding that the Department of Health and Social Services (the department) should enable a child's contact with previous out-of-home caregivers if it is in the best interests of the child.

Section 4 amends requirements relating to the transfer of a child from one placement to another to require a supervisor at the department to certify in writing whether the department has conducted a search for an appropriate placement with an adult family member or family friend.

Section 5 provides that a foster parent has the right and responsibility to use a reasonable and prudent parent standard to make decisions relating to the child in care, and requires the department to provide foster parents with training relating to the reasonable and prudent parent standard.

Section 6 requires the department to engage a child in an out-of-home placement who is 14 years of age or older in the development or revisions of a case plan or permanency plan for the child and allows the child to select up to two adults to participate in the development of the plan.

Section 7 amends confidentiality provisions to require a state or municipal agency or employee to disclose appropriate confidential information regarding a case to the sibling of a child who is the subject of the case if it is in the best interests of the child to maintain contact with the sibling.

Section 8 requires a supervisor at the department, when the department takes emergency custody of a child, to certify in writing whether the department has conducted a search for an appropriate placement with an adult family member or family friend.

Section 9 requires the department to pay the costs of caring for a foster child with a physical or mental disability, and for respite care, until the child turns 21; under current law, the payments are available until the child turns 18.

Section 10 requires the department to search for an appropriate placement with an adult family member or friend when the child is removed from the parent's home. The section also requires a supervisor at the department to certify in writing whether the department has conducted the search.

Section 11 amends AS 14.14.100(i) to provide that when a child can remain safely at home with an adult family member or guardian who lives with the child, the child may not be placed with an out-of-home care provider.

Section 12 requires the department to provide contact information to siblings who are in separate placements if it is in the best interests of the children to maintain contact.

Section 13 requires the department to implement workload standards and a training program for department employees and to provide a report to the legislature if the department is not able to meet certain standards.

Section 14 adds a new subsection requiring the department to assist an adult family member in obtaining a foster care license, including any necessary variances, if placing the child with the adult family member is in the best interests of the child.

Section 15 requires the department, for a person who is 16 years of age or older, to provide the person, or assist the person with obtaining, the person's birth certificate, social security card, health insurance information, medical records, driver's license or identification card, and certificate of degree of Indian or Alaska Native blood, if applicable, when the person is released from state custody under AS 47.10.

Section 16 requires the department, to the extent feasible, to approve or deny a foster care home license, including a request for a variance, not more than 45 days after the date the department receives the application for a foster care home license.

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Section 17 provides that sections 2 and 9 of the Act, which relate to payments for foster care, guardianship, and adoption, apply to a person who is eligible for a payment on or after the effective date of sections 2 and 9, including a person who was ineligible for a payment solely because the child turned 18. All other sections of the Act apply to a child in the custody or under the supervision of the department under AS 47.10 on or after the effective dates of sections 3 – 8 and 10 – 16 of the Act.

Section 18 allows the department to adopt regulations necessary to implement the changes made by the Act. The regulations may not take effect until the effective date of the section of the Act implemented by the regulation.

Section 19 requires the department to (1) adopt training regulations necessary to meet the standards in AS 47.14.112(a)(3)(A) (sec. 13 of the Act), not later than one year after the effective date of sec. 13 of the Act, (2) hire the staff necessary to meet the workload standards in AS 47.12.112(a)(1), (2), and (3)(B) (sec. 13 of the Act), not later than two years after the effective date of sec. 13 of the Act, and (3) implement the changes made by the remainder of the Act not later than three years after the effective date of secs. 1 – 12 and 14 – 16 of the Act.

Section 20 provides that sec. 18 of the Act take effect immediately.

If I may be of further assistance, please advise.

KSG:dls
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